

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MEDTRONIC VASCULAR, INC.,
MEDTRONIC USA, INC. ,
MEDTRONIC, INC., AND
MEDTRONIC VASCULAR GALWAY,
LTD.

Plaintiffs,

V.

BOSTON SCIENTIFIC CORP.,
SCIMED LIFE SYSTEMS INC., AND
BOSTON SCIENTIFIC SCIMED, INC.

Defendant.

CIVIL ACTION NO. 2:06-CV-78 (TJW)

Jury Trial Requested

**JOINT PROPOSED REDUCTION TO THE DAMAGES AWARD FOR THE
ANDERSON PATENT PURSUANT TO THE COURT’S ORDER (DKT. 255)**

Pursuant to the Court's Order (Dkt. 255) (hereinafter "Order"), Plaintiffs Medtronic Vascular, Inc., Medtronic USA, Inc., Medtronic, Inc., and Medtronic Vascular Galway, Ltd. (collectively "Medtronic") and defendants Boston Scientific Corporation, Scimed Life Systems, Inc., and Boston Scientific Scimed, Inc. (collectively "Boston Scientific" or "BSC") file this joint proposed reduction to the damages award for the Anderson Patent (U.S. Patent No. 6,210,364).¹

The parties agree that the overall reduction in the value of the royalty base for the Anderson Patent is 77 percent. Applying this percentage to the \$83 million jury award attributable to the Anderson Patent (*see* Dkt. 213 at 13) results in a revised damages award of \$19.09 million. This revised award is based on the financials produced by BSC at PX636 and Exhibit 2 hereto, which is BSC's corrected listing of the untested sizes.

¹ This submission is without prejudice to the parties' rights to challenge the jury verdict, the Order, or any subsequent order of the Court in connection with BSC's pending JMOLs (*see* Dkt. 200), or the July 31, 2008 bench trial, including, but not limited to, Medtronic's Motion for Reconsideration of the Court's Order (*see* Dkt. 257).

DATED: July 21, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). This motion was served via electronic mail on all counsel who have consented to electronic service.

/s/ Josh Budwin
Josh Budwin

CERTIFICATE OF CONFERENCE

The Parties have discussed and agreed to the substance of the subject matter set forth herein.

/s/ Josh Budwin
Josh Budwin

